

Message Text

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16

ACTION COA-02

INFO OCT-01 ARA-16 ISO-00 INT-08 COME-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01

PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 IO-14 DRC-01

SCS-03 EB-11 SCA-01 DLOS-06 CG-00 /159 W

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R 181903Z OCT 73

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 8912

INFO AMCONSUL GUAYAQUIL

AMEMBASSY LIMA

C O N F I D E N T I A L QUITO 5413

E.O. 11652: GDS

TAGS: PBOR, EFIS, EC

SUBJECT: PROBABLE GOE COUNTERMEASURES AGAINST "PIRATE" TUNA
BOATS THIS SEASON

1. THE PURPOSE OF THIS MESSAGE IS TO ASSESS THE LIKELIHOOD
THAT THE GOE WILL SEIZE AND CONFISCATE US FLAG FISHING
VESSELS THIS SEASON.

2. THE GOE WILL CERTAINLY ARREST, FINE AND RELEASE US
FLAG FISHING VESSELS CAUGHT FISHING WITHIN ECUADOREAN-
CLAIMED WATERS WITHOUT A MATRICULA AND A LICENSE.

3. THE COST OF THE MATRICULA AND THE LICENSE WILL
PROBABLY INCREASE WHEN THE NEW FISHERIES LAW IS
PROMULGATED. A FAIRLY OLD DRAFT OF THE TEXT OF THAT
LAW WHICH RECENTLY CAME INTO OUR POSSESSION STATES THAT
MATRICULAS WILL COST \$700 PER SHIP PER YEAR AND LICENSES
\$40 PER NET REGISTERED TON PER TRIP (DOUBLE PRESENT
RATES). SINCE FINES ARE BASED ON THE COST OF THE LICENSE
THEY CAN ALSO BE EXPECTED TO INCREASE.

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4. IT IS PROBABLE THAT THE CATCH OF MULTIPLE OFFENDERS

WILL BE CONFISCATED. (THE DRAFT FISHERIES LAW IN OUR POSSESSION PROVIDES FOR THE CONFISCATION OF CATCH FOR THE FOURTH OFFENSE.)

5. WE DOUBT THAT SHIPS THEMSELVES WILL BE CONFISCATED THIS SEASON. NEITHER THE EXISTING NOR THE DRAFT WE HAVE OF THE NEW FISHING LAW PROVIDES FOR CONFISCATION OF VESSELS.

6. THE QUESTION OF CONFISCATION OF REPEAT OFFENDERS FIRST AROSE IN 1971 WITH THE ARREST FOR THE SECOND TIME OF THE APOLLO. AT THAT TIME ADMIRAL MALDONADO (THEN COMMANDER OF THE GUAYAQUIL NAVAL ZONE AND NOW AT THE INTERAMERICAN DEFENSE COLLEGE IN WASHINGTON) REPORTEDLY SAID THAT A THIRD OFFENSE WOULD LEAD TO CONFISCATION OF THE SHIP. (QUITO 1033, MARCH 5, 1971).

7. SEVERAL US FLAG TUNA SHIPS HAVE BEEN SEIZED THREE TIMES AND WERE NOT CONFISCATED. THEY INCLUDE THE CARRIBEAN, THE DAY ISLAND, THE EASTERN PACIFIC, THE JF KENNEDY, AND THE OCEAN QUEEN. THE WESTERN KING HAS BEEN ARRESTED FOUR TIMES AND HAS LIKEWISE NOT BEEN CONFISCATED.

8. IN THE LONG RUN, HOWEVER, AS ECUADOR MOVES MORE AND MORE TOWARDS AN EXCLUSIVE FISHING ZONE, THE PROBABILITY OF EVENTUAL CONFISCATION OF SHIPS INCREASES. THIS IS TRUE BECAUSE THE NATURE OF THE OFFENSE WILL HAVE CHANGED FROM ONE OF VIOLATION OF LICENSE REGULATIONS TO COMPETITION WITH THE ECUADOREAN-CREATED TUNA INDUSTRY AND FLEET FOR A SCARCE RESOURCE IN AN EXCLUSIVE CONSERVATION ZONE. IN THE LATTER SITUATION THERE IS MORE INCENTIVE TO CONFISCATE SHIPS WHICH ARE CONSIDERED TO BE TRESPASSING.

9. WE EXPECT A NEW GOE FISHERIES LAW TO BE PROMULGATED WITHIN SEVERAL WEEKS AT WHICH TIME WE WILL BE REPORTING IN FURTHER DETAIL.
BREWSTER

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